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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC.

**USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,**

**USA CAPITAL FIRST TRUST DEED
FUND, LLC,**

USA SECURITIES, LLC,

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**MOTION FOR ORDER REQUIRING
STEIN & LUBIN LLP TO PRODUCE
ONE OR MORE
REPRESENTATIVES FOR
EXAMINATION PURSUANT TO
FEDERAL RULE OF BANKRUPTCY
PROCEDURE 2004**

[No hearing required]

Affects:

- All Debtors
 - USA Commercial Mortgage Company
 - USA Capital Realty Advisors, LLC
 - USA Capital Diversified Trust Deed Fund, LLC
 - USA Capital First Trust Deed Fund, LLC
 - USA Securities, LLC

Pursuant to Federal Rule of Bankruptcy Procedure 2004, the USACM Liquidating Trust (the “Trust” or “Movant”) hereby moves this Court for an order requiring Stein & Lubin LLP (“Stein Lubin”) to produce one or more representatives, as set forth in the subpoena to be issued under Federal Rule of Bankruptcy Procedure 9016, to appear for

1 examination at the office of Esquire Deposition Services, 505 Sansome Street, 5th Floor,
2 San Francisco, California 94111, on a business day no earlier than ten (10) business days
3 after the filing of this Motion and no later than June 15, 2007 (or at such other mutually
4 agreeable location, date, and time) and continuing from day to day thereafter until
5 completed.

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7 This Motion is further explained in the following Memorandum.
8

9
Memorandum

10 The Movant seeks information concerning legal services performed by Stein Lubin
11 on behalf of USACM, the other debtors in the above-captioned cases (together with
12 USACM, the “Debtors”), and the Debtors’ affiliates, subsidiaries, parents, or otherwise
13 related entities. The Movant seeks this information to assist in the collection of the assets
14 and the investigation of the liabilities of the Debtors.

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16 The requested discovery from Stein Lubin is well within the scope of examination
17 permitted under Bankruptcy Rule 2004, which includes:

18 [t]he acts, conduct, or property or . . . the liabilities and financial condition
19 of the debtor, or . . . any matter which may affect the administration of the
20 debtor’s estate, or to the debtor’s right to a discharge. In a . . .
21 reorganization case under chapter 11 of the Code, . . . the examination may
22 also relate to the operation of any business and the desirability of its
continuance, the source of any money or property acquired or to be acquired
by the debtor for purposes of consummating a plan and the consideration
given or offered therefore, and any other matter relevant to the case or to the
formulation of a plan.

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1 FED.R. BANKR. P. 2004(b).

Conclusion

Accordingly, the Movant requests that this Court enter the form of order submitted with this Motion.

Dated: May 2, 2007.

DIAMOND MCCARTHY LLP

LEWIS AND ROCA LLP

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